

portion thereof for which they have become liable under the terms of their security bond, be liable to be proceeded against under the provisions of this chapter as revenue defaulters. Here the contractor's surety is made liable, and the interests of the revenue are thereby protected; but the provision cannot be extended beyond the terms of the section, and there is nothing in the section to warrant its application to the surety of the contractor's licensee. As regards him, therefore, the contractor must be left to find the ordinary remedy by means of the Civil Court. (L. R. No. 753, dated 23rd June 1885; *vide* G. R. No. 5669, dated 14th July 1885.)

6. The following judgment was passed by the High Court of Bombay in the case of *Imperatrix vs. Pirsha Bachalsha*, Appeal No. 98 of 1885:—

"The accused was convicted by the First Class Magistrate under Section 9 (c) of the Opium Act (I of 1878) of the offence of possessing opium in contravention of the Act and of the rules made under it. The Sessions Judge has reversed that conviction. But it appears that *chandul*, a preparation of opium, was found in the possession of the accused. Section 10 of the Act provides that 'in prosecutions under Section 9 it shall be presumed, until the contrary is proved, that all opium for which the accused is unable to account satisfactorily is opium in respect of which he has committed an offence under this Act.' The accused in this case has not accounted for his possession at all. Therefore the Magistrate was right in convicting him, and the Sessions Judge ought not to have reversed that conviction. The Government Pleader in the Court below seems not to have been properly instructed and the Sessions Judge was not shown any rules on the subject made by Government. But the Government Pleader here has produced to us such rules (Revenue Department, Bombay Castle, 29th September 1883, and No. 7287). Rule 3,* which prohibits the possession of any opium unless obtained as therein specified, seems to us to apply, and we direct the Sessions Judge's attention to it."

"We reverse the Sessions Judge's order of acquittal and restore the Magistrate's conviction and sentence."

(G. R. No. 7499, dated 16th September 1885.)

7. The term "Medical practitioner" is used in Rule 37 of the Rules[†] under the Opium Act in its general sense, without any qualification. As so used, it means a person who practises or is engaged in the exercise of the medical profession, *i. e.* the healing of diseases. It therefore undoubtedly includes practising vaidyas and hakims, but it does not include persons who are vaidyas and hakims in name only. (L. R. No. 4, dated 4th January 1892; *vide* G. R. No. 6292, dated 3rd August 1892.)

XI.—MISCELLANEOUS.

1. Official Correspondence.—All correspondence relating to the Opium and Salt Departments which

* *Vide* Rule 4 of the Rules in G. N. No. 4472 A, dated 3rd June 1885, printed at pp. 397—417 of the Compilation of General Rules.

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affects the interests of Native States should be addressed to the Secretary to the Government of India in the Foreign Department. (G. I., For. Dept., No. 2511 P, dated 26th March 1881.)

2. Translations of Notifications.—The Oriental Translator to Government should translate the notifications that may be issued from time to time under the Opium Act into Maráthi, Gujaráti and Kániarese and forward the translations to the Superintendent, Government Central Press, to be printed. Copies of the translations should be supplied to the officers concerned in accordance with their requirements, which should be communicated direct to the Superintendent of the Press. (G. R. No. 8113, dated 13th October 1892.)

3. Inspectors and Sub-Inspectors.—The Inspectors and Sub-Inspectors of the Opium Department armed with revolvers should be required to go through a course of firing at the Police head-quarters of their respective districts and obtain a certificate of efficiency from the Superintendent of Police. (G. R. No. 7390, dated 11th September 1885.)

4. The Opium Inspector attached to the Bombay Customs House may reasonably be expected to pay himself any expenses incurred by him when proceeding on duty from the opium head-quarters office in Bombay to the Byculla Station which is within his charge. (G. R. No. 1690, dated 3rd April 1880.)

5. The practice of obliging the traders to provide the Opium Inspector with a conveyance and paying him fees when his services are required on recognized public holidays appears to Government most objectionable. The Inspector should have his head-quarters at Bori Bandar; and any merchant who may require his services at the B. B. and C. I. Railway station or on holidays should be obliged to pay a certain fixed fee which should be regularly brought to account. Out of the funds thus obtained, the Inspector should be paid by contingent bills for his carriage hire and for any special remuneration he may, in the opinion of the Commissioner of Customs, be entitled to for working on holidays. (G. R. No. 517, dated 30th January 1874.)

6. Accounts.—For purposes of opium accounts, $38\frac{8}{9}$ tolas should be considered to constitute one pound avoirdupois. (G. R. No. 5955, dated 7th November 1879.)

7. Fees.—The fee for examining opium to be purchased by Government for supplying Government depôts should in future be Rs. 5 per chest. The brokerage should be fixed at Rs. $3\frac{1}{2}$ per chest. (G. R. No. 6681, dated 15th December 1879.)

8. Government Warehouse.—In exercise of the powers conferred by Section 7 (a) of the Opium Act, the Governor General in Council is pleased to authorize the Governor of Bombay in Council to

establish a warehouse* for opium legally imported into, or intended to be exported from, the territories administered by him. (G. I. F. & C., No. 757, dated 2nd May 1884; *vide* G. N. No. 3862, dated 14th idem.)

9. Form of receipt for Warehouse fees for opium stored in the Bombay Government Opium Warehouse:—

| | | <i>Bombay Custom House.</i> |
|--|---|--|
| No. | 189 | |
| Consignee. | Received from | |
| Name of Scale and No. of Passport. | Rupees , being the amount of fees at 10½ annas per chest chargeable on chests of opium covered by passport No. from | |
| No. of Chests. | for storage of the same in the | |
| Rate 10½ annas per chest. | Bombay Government Opium | |
| Amount. | Warehouse. | |
| Cashier. | Cashier. | Assistant Collector of Customs in charge Opium Department. |
| Assistant Collector of Customs in charge Opium Department. | | |

(G. R. No. 5447, dated 5th August 1890.)

10. Insurance.—It is not considered expedient or economical to insure Government property except where the value is very large and the risk unusual. The Government of India does not therefore think it necessary to insure the Government opium warehoused in Bombay. (G. I., F. & C., No. 236-Ex., dated 17th January 1893; *vide* G. R. No. 1808, dated 11th March 1893.)

* For the Bombay Opium Warehouse Rules *vide* pp. 418—424 of the Compilation of General Rules.